

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 24, 2004

DIVISION ONE

B170677 People (Not for Publication)
v.
Davion H.

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B170942 People (Not for Publication)
v.
Juventino Nolasco

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B165196 People (Not for Publication)
v.
Craig Williams

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

August 24, 2004 (Continued)

DIVISION ONE (Continued)

B169313 People (Not for Publication)
v.
Henderson Johnson

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B158369 The People
v.
Ortiz & Ruiz

Filed submission order.

B169465 Ordlock et al.
v.
Franchise Tax Board

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B169431 Rodriguez (Not for Publication)
v.
Padilla

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

DIVISION TWO (Continued)

B171607 Los Angeles County, D.C.S. (Not for Publication)
v.
Traci T.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B173952 Los Angeles County, D.C.S. (Not for Publication)
v.
Geoffrey Y.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Ashmann-Gerst, J.

B169811 People (Not for Publication)
v.
Byrd

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Ashmann-Gerst, J.

August 24, 2004 (Continued)

DIVISION TWO (Continued)

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The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

DIVISION FOUR

B172287 Los Angeles County, D.C.S. (Certified for Partial Publication)
v.
Nerissa H., et al.

The order terminating parental rights is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B172055 Los Angeles County, D.C.S. (Not for Publication)
v.
Fernando R., et al.

The order denying the petition for modification as to M.B. is reversed and the cause remanded for a hearing on the petition; the order selecting a permanent plan for M.B. and terminating dependency jurisdiction as to her is reversed. The visitation order as to the other children is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

August 24, 2004 (Continued)

DIVISION FOUR (Continued)

B169234 People (Not for Publication)
v.
Rowland

The judgment is reversed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B165297 People (Not for Publication)
v.
Richardson

The judgment is reversed and the cause remanded for further proceedings consistent with the views expressed in this opinion.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B169851 Goldsmith (Not for Publication)
v.
Athans

The court's order awarding attorney fees and costs to the Estate is affirmed. The Estate is awarded costs and attorney fees on appeal, to be addressed upon remand to the trial court.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FOUR (Continued)

B162067 Watts Industries, Inc., et al. (Certified for Publication)
v.
Zurich American Insurance Company

The orders are affirmed. Respondents are to have their costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

B169144 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

B172965 People (Not for Publication)
v.
Carter

The judgment is modified by striking the \$600 restitution fine imposed by the trial court and reducing the stayed parole revocation fine to \$200. The original \$200 restitution fine remains in force. As modified, the judgment is affirmed. the trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver it to the Department of Corrections.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

August 24, 2004 (Continued)

DIVISION FIVE

B165668 Avi Gil
v.
Monet Mansano

Filed order modifying opinion. (No change in the judgment)

DIVISION SIX

B168960 People (Not for Publication)
v.
Romero

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B170946 Negrete et al. (Not for Publication)
v.
Exteriors By Design, Inc., et al.

The judgment is affirmed. Costs on appeal are awarded to respondents.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B169779 People
v.
Isaac C.

Filed order denying petition for rehearing.

August 24, 2004 (Continued)

DIVISION SIX (Continued)

B169477 People (Not for Publication)
v.
Fausto Salas

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

DIVISION SEVEN

B165203 Unispec Construction
v.
City of Hermosa Beach

Filed order denying petition for rehearing.

DIVISION EIGHT

B170056 Los Angeles County, D.C.S. (Certified for Partial Publication)
v.
Walter D. et al.

The count alleging violation of 300 subdivision (b) is dismissed. As modified, the judgment is otherwise affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

August 24, 2004 (Continued)

DIVISION EIGHT (Continued)

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The judgment is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.
Flier, J.

B169060 Farmers Insurance Exchange (Not for Publication)
v.
Dodd

For the reasons set forth above, the judgment is affirmed. Respondent to recover its costs on appeal.

Rubin, Acting P.J.

We concur: Boland, J.
Flier, J.

B168276 People (Certified for Publication)
v.
Thorbourne

For the reasons set forth above, the order dismissing the grand jury indictment is reversed and remanded to the trial court with directions to resubmit the matter to the grand jury.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

August 24, 2004 (Continued)

DIVISION EIGHT (Continued)

B170111 People (Not for Publication)
v.
Romero

The order is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B169820 People (Not for Publication)
v.
Catalina F.G.,
In re Catalina F.G., a Person Coming Under the Juvenile Court Law.

The judgment is reversed.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.

B174571 People (Not for Publication)
v.
Reginold A. Parker

The judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.

DIVISION EIGHT (Continued)

B158174 Naum Shekhter et al. (Certified for Publication)
v.
Seneca Structural Design, Inc., et al.

The judgment in favor of William Klorman is reversed and the cause remanded to the trial court for further proceedings. The order sustaining demurrers to all causes of action against Sunset Masonry & Concrete, Inc., construed to include a judgment of dismissal, is reversed to the extent it dismisses the second cause of action for negligence, and is otherwise affirmed. Let a peremptory writ of mandate issue directing the trial court to vacate its order of January 4, 2004, to the extent the order (1) sustained the demurrers of Seneca Structural Design, Inc., Kenneth B. Bondy and Chris R. Deetz to the second, fourth and fifth causes of action for negligence, fraud and negligent misrepresentation, (2) sustained the demurrers of W.M. Klorman construction, Inc. and William Klorman to the second and fourth causes of action for negligence and fraud, and (3) granted the motion to strike, and directing the trial court to make a new order overruling those demurrers and denying the motion to strike to the extent described in this opinion. The Shekhters are to recover their costs on appeal.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

B172181 People (Not for Publication)
v.
Orlando Damian Horton

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.
 Flier, J.

August 24, 2004 (Continued)

DIVISION EIGHT (Continued)

B174838 Vanessa R. (Not for Publication)

V.

Superior Court, Los Angeles County

(Los Angeles County Department Of Children & Family Services, r.p.i.)

The petition for writ of mandate is denied on the merits. this opinion shall become final as to this court 10 days after its filing. (Cal. Rules of Court, rule 24(b)(3).)

Rubin, J.

We concur: Cooper, P.J.
Flier, J.